

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 283 of 1995

With

CIVIL APPLICATION NO. 1550 OF 1996.

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

UNION OF INDIA

Versus

PASCHIM RAILWAY KARAMCHARI PARISHAD

Appearance:

MR JC SHETH for Petitioner

MR KK SHAH for Respondent No. 1

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 08/04/96

ORAL JUDGEMENT

This matter comes up on Civil Application No. 1550 of 1996 filed by Paschim Railway Karmachari Parishad which is respondent in the main Special Civil Application. Through this Civil Application No.1550 of 1996 Paschim Railway Karmachari Parishad has submitted that in view of the provision contained in section 28 of the Administrative Tribunals Act, 1985 this Court has no jurisdiction to entertain this Special Civil Application which has been filed against the award dated 18.8.1994 passed by the Industrial Tribunal (Central), Ahmedabad

whereby the railway has been directed to grant special leave and other privileges to the representative of the second party union for attending conciliation etc. at par with the members of the recognised unions. Hence the jurisdiction of this Court is completely barred in view of the provision of section 28. It is therefore clear from the reading of the award itself that the dispute was in relation to the service matters and therefore, this court has no jurisdiction to entertain this matter. Even if there is dispute which touches the service matters tangentially in relation to the employees who are governed by the Administrative Tribunals Act, 1985, the jurisdiction of this court has been totally excluded by virtue of provision of section 28 of the Act. and hence the argument raised by Mr.Sheth that notwithstanding the provision of section 28 this petition can still be entertained by this Court has no force and the same is outrightly rejected.

On the last date i.e. on 26.3.1996 when the matter came up before the Court on Civil Application an objection was raised by Mr.J.C.Sheth that the main Special Civil Application was not listed for final disposal and therefore on the request of Mr.Sheth the matter was posted for final disposal today i.e. 8.4.1996.

Whereas the Special Civil Application cannot be entertained for the reasons as aforesaid, the same is hereby dismissed and the Rule is hereby discharged. Interim order automatically stands vacated. No order as to costs.

Civil Application No. 1550 of 1996 stands disposed of accordingly.
